IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2260 OF 2004

Hamerlal Jain .. Petitioner
V/s.
The Commissioner of Central Excise,
Mumbai and Others .. Respondents

Mr. Pushkar P. Patankar for the Petitioner
Mr. B.A. Desai, Additional Solicitor General for the Respondents

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.
DATED : 20.01.2005

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents. By this Petition, the Petitioner is seeking restoration of the Restoration Application, which was filed before the Customs, Excise and Service Tax Appellate Tribunal, (CESTAT) New Delhi. The learned counsel for the Petitioner also fairly states that in the event, the said application were to be allowed, the main Appeal will be heard by the CESTAT, New Delhi.

2. Under the aforesaid facts and circumstances, the learned counsel for the Petitioner seeks leave to withdraw the Petition with the liberty to file an appropriate Writ Petition before the Delhi High Court. The Petition is allowed to be withdrawn with the aforesaid liberty to file an appropriate Writ Petition before the Delhi High Court.

3. The Respondents will not take any further steps and implement the order for the period of six weeks from today.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)